

REMARKS

The claims in the application are 1-22 and Claim 23 added by the present amendment.

Favorable reconsideration of the application as amended is respectfully requested.

Claims 19-22 have been amended to eliminate the rejections under 35 U.S.C. §§101 and 112, second paragraph, raised on page 2 of the Office Action, while Claims 3, 12 and 18 which have been indicated allowable on pages 6-7 of the Office Action, have each been amended into appropriate independent form. The amendments to Claims 1 and 16 herein, in addition to new Claim 23, all find clear support throughout the present application and drawings.

Accordingly, the only outstanding issue is the prior art rejection of the claims.

Claims 1, 2, 4, 6, 7 and 9-11 have been rejected under 35 U.S.C. §102 as being anticipated by U.S. Pat. No. 5,060,508 to Wong on page 3 of the Office Action while Claims 5, 15-17 and 19-22 have been rejected under 35 U.S.C. §103 as obvious over this reference on page 4 of the Office Action, Claim 8 rejected additionally in view of U.S. Pat. No. 5,834,777 to Wong on page 6 of the Office Action and Claims 13 and 14 rejected additionally in view of U.S. Pat. Pub. No. 2005/0017206 to Tice et al on page 6 of the Office Action.

However, it is respectfully submitted all claims pending herein recite patentable subject matter over the applied art, for the following reasons (reference will be made to preferred embodiments of the present invention illustrated in the drawings of the present application).

The present invention provides a fluid sensor, e.g., for gas or liquid, which is easy to manufacture compared to prior art sensors and, at the same time, reliably operates over time without deteriorating. These and other advantages are explicitly attained by the fluid sensor recited in independent Claim 1 and which includes a fluid cell 1 enclosing a volume of fluid 7, i.e. gas or liquid to be analyzed, an electromagnetic energy source 3 transmitting electromagnetic waves 4 into the fluid cell 1, at least one detector 5 detecting electromagnetic waves passing through the fluid cell 1 and situated directly downstream of the energy source 3 without any curves in the fluid cell 1, at least one opening 2 for inlet/outlet of the fluid 7, and a circuit board 8, 10, 11, 12, 13, 14, 15, 16 to evaluate the intensity of electromagnetic waves reaching the detector 5 and/or provide circuitry for the electromagnetic energy source 3. At least part of the straight fluid cell 1 is incorporated into the substrate of the circuit board 8, 10, 11, 12, 13, 14, 15, 16.

The features of the presently claimed invention together with the accompanying advantages attained thereby are neither disclosed nor suggested by the applied art, for the following reasons.

Wong '508 discloses a gas sample chamber having a serpentine passage 20 (Fig. 1) for receiving gas to be analyzed through openings 30 (not denoted on the drawings). Accordingly, Wong '508 fails to anticipate the present invention as recited in independent Claim 1 and directed to, among other features, fluid cell 1 extending straight between radiation source 3 and detector 5 without any curves and as shown, e.g., in Figs. 1 and 2 of the present application.

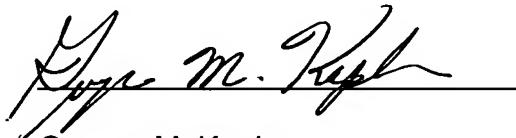
Neither Wong '577 nor Tice et al add anything to Wong '508 which would

render obvious the invention recited in any pending claim herein. The remaining art of record has not been applied against the claims and will not be commented upon further at this time.

Accordingly, in view of the forgoing amendment, accompanying remarks and explicit statements in the Office Action, it is respectfully submitted all claims pending herein are in condition for allowance. Please contact the undersigned attorney should there be any questions. A Petition for an automatic two month extension of time for response under 37 C.F.R. §1.136(a) is enclosed in triplicate together with the requisite petition fee and fee for additional claims introduced herein.

Early favorable action is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "George M. Kaplan", is written over a horizontal line.

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